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Filing date: **04/08/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91220573
Party	Plaintiff Miss Universe L.P., LLLP
Correspondence Address	ANDREA L CALVARUSO KELLEY DRYE & WARREN 101 PARK AVENUE NEW YORK, NY 10178 UNITED STATES trademarks@kelleydrye.com
Submission	Reply in Support of Motion
Filer's Name	Kelli D. Ortega
Filer's e-mail	trademarks@kelleydrye.com
Signature	/Kelli D. Ortega/
Date	04/08/2016
Attachments	Opposer's Reply in Further Support of its Motion to Join Party.pdf(1041946 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MISS UNIVERSE L.P., LLLP,

Opposer,

v.

LINDA GRANDIA,

Applicant.

Opposition No.: 91220573

**OPPOSER’S REPLY IN FURTHER SUPPORT OF ITS
MOTION TO JOIN PARTY**

I. Introduction

Opposer, Miss Universe L.P., LLLP (“Opposer”) hereby submits this reply in further support of its motion, pursuant to TBMP § 512, for an order joining IMG Universe, LLC as a named Opposer in this opposition proceeding. As established in Opposer’s moving papers, after the commencement of the above captioned action, on September 10, 2015, Opposer assigned to IMG Universe, LLC complete title and interest to the mark MISS UNIVERSE, together with Reg. Nos. 620,557 and 1,597,876 and the related business and goodwill, and the assignments have been duly recorded with the Assignment Branch of the U.S. Patent and Trademark Office at Reel/Frame: 5654/0923 on October 28, 2015.

While Applicant Linda Grandia’s (“Applicant”) response is styled as “Defendant’s Response in Opposition to Plaintiff’s Motion Joint Party” (sic), Applicant’s opposition to the present motion states that she “does not dispute [Opposer’s] Motion to Join Parties under Rule TBMP § 512” and requests “an additional sixty-day extension of time pursuant to TBMP

§ 509.01(a).” Applicant has failed to show that good cause exists for the requested extension of time, and as such, Opposer opposes Applicant’s request.

II. Applicant Has Failed to Show That Good Cause Exists For Her Requested Extension of Time

Applicant argues that she requires a sixty-day extension of time because Opposer “withheld information since September 2015” which has placed Applicant at a “disadvantage to the extent that [she] has not included discovery questions related to IMG Universe, LLC.” The entity IMG Universe, LLC is merely the successor-in-interest to Miss Universe L.P., LLLP. The addition of IMG Universe, LLC as a named Opposer in this opposition proceeding is pro forma and does not substantively change the claims, defenses or evidence at issue in this proceeding. The assignment of trademark registrations and related business and goodwill from Miss Universe L.P., LLLP to IMG Universe, LLC has the practical effect of changing the name of the trademark registrant only, and as such, there is no basis or need for an extension of time to conduct additional discovery. IMG Universe, LLC does not possess any additional or different information than that in the possession of its predecessor-in-interest, Miss Universe, L.P., LLLP, with respect to Opposer’s use of the trademark or the information relevant to this proceeding. Via email dated April 6, 2016, Opposer’s counsel offered to meet and confer with Applicant to discuss the assignment to IMG Universe, LLC, but Applicant has failed or refused to respond to Opposer’s counsel’s offer. See correspondence attached as Exhibit A. Opposer has not yet received any service of Applicant’s opposition despite the notice of service which indicates it was served by email on April 5, 2016. We happened upon the opposition in a routine review of the TTAB proceeding file. Given that discovery is set to close on May 29, 2016, there is sufficient time left in the discovery period in which to resolve any outstanding concerns Applicant has regarding the assignment to IMG Universe, LLC.

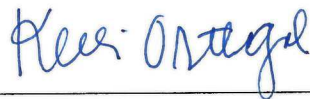
III. Conclusion

For all of the foregoing reasons, together with those stated in Opposer's moving papers, pursuant to TBMP § 512, Opposer requests that the Trademark Trial and Appeal Board enter an order joining IMG Universe, LLC as a named Opposer in this opposition proceeding.

Dated: New York, New York
April 8, 2016

Respectfully submitted,

KELLEY DRYE & WARREN LLP

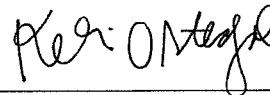


Andrea L. Calvaruso
Amy Gaven
Kelli D. Ortega
Attorneys for Opposer
101 Park Avenue
New York, NY 10178
(212) 808-7800

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Motion to Extend Discovery and Trial Dates to be served on Applicant, this 8th day of April 2016, via email and first class mail, postage prepaid and to:

Linda Grandia
G & G Exchange
Keplerstreet 13
Amersfoort, 3817TA
Netherlands
info@missmultiverse.com



Kelli D. Ortega

EXHIBIT A

Ortega, Kelli

From: Ortega, Kelli
Sent: Wednesday, April 06, 2016 8:46 AM
To: 'Miss Multiverse International'
Cc: Linda Grandia; Calvaruso, Andrea; Gaven, Amy
Subject: RE: Miss Universe L.P., LLLP v. Grandia

Dear Ms. Grandia:

We will gladly meet and confer with you regarding the joining of IMG Universe, LLC as a party to this opposition. Are you available early next week, preferably Monday, April 11 or Tuesday, April 12, for a call to discuss?

Please be advised that the discovery period is currently set to close on May 29, 2016. Given the amount of time left in the discovery period and the fact that the addition of IMG Universe, LLC does not alter the claims, defenses or evidence at issue in this proceeding, we are unable to consent to a sixty-day extension.

Please advise if and when you are available for a call.

Thank you,
Kelli Ortega

Kelli Ortega

Kelley Drye & Warren LLP
(212) 808-7755 | kortega@kelleydrye.com

From: Miss Multiverse International [mailto:info@missmultiverse.com]
Sent: Wednesday, April 06, 2016 8:32 AM
To: Ortega, Kelli <KOrtega@KelleyDrye.com>
Cc: Linda Grandia <lindagausachs@gmail.com>
Subject: Re: Miss Universe L.P., LLLP v. Grandia

**Miss
Multiverse**

SUPER MODEL & BEAUTY QUEEN **TV** Reality

The journey
Is not a show
It's reality.

TV
6 episodes program

Dear Mrs. Kelly Ortega,

We have already clearly explained, further details you will surely receive with our discovery questions, our request for an extension of time is precisely to be able to amicably "**meet and confer**" with regards to IMG Universe, LLC and our legal rights to discovery questions and the implications this has in connection with the foregoing matter to that we highly believe are of relevance to our case.

The only relevant answer we need from you, is if you agree or not with the extension of time, in order for us to know what form to submit before the board.

Please let us know before noon 12:00 your time in the USA, since we would like to file before the board in compliance with the deadline to take action provided by the USTPO rules and regulations.

Best Regards,

Linda Grandia

Multiverse Ventures BV

Phone: + 31- 33 4625501 Mobile: +31 - 6 38056135
Skype: MissMultiverseTV
Kepplerstraat 13, 3817TA Amersfoort, Netherlands
KvK registration: 62253972



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From: "Ortega, Kelli" <KOrtega@KelleyDrye.com>

Date: Wednesday, April 6, 2016 at 01:08

To: Linda <info@missmultiverse.com>

Cc: Linda Grandia <lindagausachs@gmail.com>, "Calvaruso, Andrea" <ACalvaruso@KelleyDrye.com>, "Gaven, Amy" <AGaven@KelleyDrye.com>

Subject: RE: Miss Universe L.P., LLLP v. Grandia

Dear Ms. Grandia:

Please be advised that the entity IMG Universe, LLC is merely the successor-in-interest to Miss Universe L.P., LLLP. The transfer of ownership of the trademark registrations from Miss Universe L.P., LLLP to IMG Universe, LLC does not have any effect on the claims, defenses or evidence at issue in this proceeding. As such, there is no basis or need for an extension of time to conduct additional discovery. The discovery requests served on Opposer are being responded to by IMG Universe, LLC.

Pursuant to TMBP 512, when a mark that is pleaded in a Board proceeding is assigned after the proceeding has commenced, the assignee may be joined as a party to the opposition to facilitate the taking of discovery and introduction of evidence. Please be advised that under this Rule, if "the Board does not order that the assignee be joined or substituted in the proceeding, the proceeding may be continued in the name of the assignor." In this instance, the assignment of marks to IMG Universe, LLC changed only the name of the owner of the trademark registrations, and therefore joining IMG Universe, LLC in this proceeding is essentially a formality.

Please explain specifically why you believe the joining of IMG Universe, LLC as a party to this opposition necessitates additional time and/or discovery.

Thank you,
Kelli Ortega

Kelli Ortega

Kelley Drye & Warren LLP

(212) 808-7755 | kortega@kelleydrye.com

From: Miss Multiverse International [<mailto:info@missmultiverse.com>]

Sent: Tuesday, April 05, 2016 12:41 PM

To: Ortega, Kelli <KOrtega@KelleyDrye.com>

Cc: Linda Grandia <lindagausachs@gmail.com>

Subject: Re: Miss Universe L.P., LLLP v. Grandia

Miss Multiverse

SUPER MODEL & BEAUTY QUEEN 

The journey
Is not a show
It's reality.

TV

6 episodes program

Dear Mrs. Kelly Ortega,

On the 21st of March 2016 MISS MULTIVERSE ("Defendant") was served with a copy of Miss Universe L.P., LLLP. ("Plaintiffs") Motion to Join Parties, pursuant to § TBMP 512 requesting that IMG Universe, LLC be joined as named Opposer in the foregoing proceeding.

Defendant hereby responds and does not dispute Plaintiffs Motion to Join Parties under Rule §TBMP 512 but does oppose party's duty to cooperate and that includes disclosure of discoverable information that is relevant to the foregoing proceedings and the subject matter under rule §TBMP 408. Opposing party has withheld information since September 2015, meaning such information could have been provided during the disclosure period and during early stages of discovery pursuant to §TBMP 403.05. The untimely disclosure results in substantial alterations that puts Defendant on a disadvantage to the extent that Defendant has not included discovery questions related to IMG Universe, LLC and is unable to properly prepare Defendants case before the board.

CONCLUSION

For the foregoing reasons, the Defendant respectfully requests an additional sixty-day extension of time pursuant to §TBMP 509.01(a) To Allow Time for "Follow-up" Discovery and to Facilitate Introduction of Produced Documents pursuant to §TBMP 403(a)

We kindly ask you to to agree or decline our request before the close of business hours today April 5, 2016, so we can request an extension of time, with mutual agreement or with no consent In due time under rule 37 CFR 2.119(c) If we do not receive your response we will assume that you are not in agreement and therefore submit our paper to the board.

Best Regards,

Linda Grandia

Multiverse Ventures BV

Phone: + 31- 33 4625501 Mobile: +31 - 6 38056135

Skype: MissMultiverseTV

Kepplerstraat 13, 3817TA Amersfoort, Netherlands

KvK registration: 62253972



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